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**OFFICE OF PETITIONS**

In re Application of	:	
Susumu Maekawa et al.	:	
Application No. 10/661,572	:	
Filed: September 15, 2003	:	DECISION ON PETITION
Attorney Docket No. 392.1816	:	UNDER 37 C.F.R. § 1.181(A)
Title: APPARATUS FOR DETECTING	:	
OR PREDICTING TOOL BREAKAGE	:	

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on July 3, 2007.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed October 16, 2006, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no responses were received. Accordingly, the above-identified application became abandoned on January 17, 2007.

With the present petition, Petitioner has alleged that the mailing was not received, and has included a copy of the docket report.

CONCLUSION

Petitioner has met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that the mailing

was not received, that he has searched the file jacket and the docket record, and he has included a copy of the latter.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the final action of October 16, 2006, and will set a new period for response.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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